

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

LIZA ENGESSER, MARISOL GETCHIUS,  
GEETANJALI SEEPERSAUD by her Next Friend  
SAVITRI SEEPERSAUD, and MARIA JAIME on  
her own behalf and as Next Friend to Y.P.S. AND  
C.P., individually and on behalf of all persons  
similarly situated, BROOKLYN CENTER FOR  
INDEPENDENCE OF THE DISABLED, and  
REGIONAL CENTER FOR INDEPENDENT  
LIVING,

Plaintiffs,

v.

JAMES V. MCDONALD, as Commissioner of the  
New York State Department of Health,

Defendant.

Dkt. No.: 25-CV-1689

**DECLARATION OF ROBERT  
CARDILLO**

Robert Cardillo hereby declares, under penalty of perjury, pursuant to 28 U.S.C. 1746, that:

1. I am 42 years old and live in Utica, Oneida County, New York.
2. I have Multiple Sclerosis (MS).
3. My medical condition affects my ability to perform all of my activities of daily living. I am nearly immobile, but continue to have the ability to use my arms and hands. I use a motorized wheelchair. I need assistance with getting in and out of my bed, in and out of my wheelchair, using the bathroom, getting dressed, bathing, and preparing food.
4. I receive CDPAP services.
5. I have had CDPAP services in place for about three years.

6. I started out with 30 hours a week, but my plan of care has increased to 24-hour split-shift as my MS progressed.
7. I advocated for 24-hour CDPAP services so that I can stay out of a nursing home.
8. My current plan of care is for CDPAP services twenty-four hours per day, with my personal assistants working in eight-hour shifts around the clock.
9. I have four personal assistants.
10. I was first told about the transition to PPL in an email in early January.
11. Later that month, my Fiscal Intermediary (FI), which is also a Facilitator, enrolled me in PPL.
12. On February 3, 2025, I received an email from PPL that I was registered with PPL. The email said, "PPL will contact you soon to keep your consumer direction journey moving."
13. I did not receive any contact or outreach from PPL after receiving the February 3, 2025 email.
14. I have tried to call PPL religiously and I have not been able to get through to speak to someone.
15. When I call, I have also selected the option to have PPL call me back and I did not receive a call back from PPL.
16. I also reached out to my FI and PPL Facilitator for assistance, and they have not gotten back to me.
17. I have tried to login to my PPL account, but I am unable to login in because I don't have a password.
18. The only thing I know is that PPL has my information.
19. My four personal assistants have also had problems with their PPL registration.

20. I do not believe any of my personal assistants are fully enrolled in PPL. They have tried calling PPL, but they cannot get through. They have also been unable to get help from a Facilitator.
21. Three of my personal assistants have begun enrollment with PPL, but have not completed the registration process. I don't know what they have left to do to complete their registration. They may not have uploaded all the required documents and do not understand how to proceed.
22. Another personal assistant has not begun his enrollment with PPL. He told me he is waiting to be contacted by the facilitator.
23. On April 1, 2025, none of my personal assistants "clocked in" for work with PPL. Instead, they "clocked in" with the prior FI.
24. I do not think my personal assistants will be paid for the work that they completed on April 1, 2025.
25. One of my personal assistants called me on April 1, 2025 and was very frustrated with the transition to PPL. I'm extremely worried he will quit.
26. My personal assistants cannot afford to work for free, or to get paid weeks or months later.
27. If my personal assistants are not paid, they will quit.
28. If my personal assistants quit, I will be stuck in my bed or my wheelchair without assistance.
29. I've never really thought about what it would mean to have no care, but if I had to, I would go to the hospital.
30. I am willing and able to intervene in this case to represent the class if needed.

Dated: April 2, 2025

Utica, New York

Signed by:

*Robert Cardillo*

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Robert Cardillo